

**FILED**

**JUN 01 2015**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESS JAMES RUTHERFORD, JR.,

Defendant.

CR 13-53-GF-BMM

**ORDER**

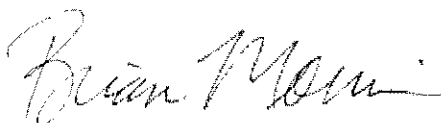
This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on May 13, 2015. Defendant admitted he had violated Standard Condition 7 of his supervised release by using a controlled substance, violated Special Condition 2 by failing to complete a program of substance abuse treatment, and violated Special Condition 4 by consuming alcohol. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 3 months, with 24 months of supervised release to follow. Judge Johnston further recommended that Defendant be placed in a residential re-entry center for the first six months following his release from custody.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted that he violated Standard Condition 7, and violated Special Conditions 2 and 4. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of three months in custody is sufficient given the nature of the violations. A lengthy period of supervision is appropriate because it will provide Defendant the support and structure needed to address his drug and alcohol abuse problem.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 39) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 1st day of June, 2015.

A handwritten signature in cursive script, reading "Brian Morris".

Brian Morris  
United States District Court Judge